

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

DIONEL DE LA CRUZ §
§
vs § CIVIL NO. M-03-326
§
ANNA HERNANDEZ and §
LOWER RIO GRANDE VALLEY §
DEVELOPMENT COUNCIL §

**ORDER ADOPTING IN PART MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION
AND DISMISSING PLAINTIFF'S CLAIMS**

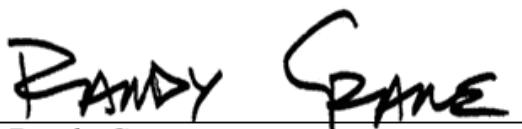
The Court has reviewed the Magistrate Judge's Report and Recommendation regarding Plaintiff's Original Complaint (Doc. No. 1) and Amendment to Original Complaint (Doc. No. 5) and Plaintiff's Objections to Report and Recommendation of United States Magistrate Judge (Doc. No. 8). The Court has conducted a *de novo* review of the record in this matter as it pertained to the specific objections raised by Plaintiff pursuant to 28 U.S.C. § 636(b)(1). After having conducted such reviews of the Report and Recommendation, Plaintiff's Objections and the record as it pertained thereto, the Court is of the opinion that the conclusions in said Report and Recommendation should be adopted in part by this Court.

It is, therefore, **ORDERED, ADJUDGED and DECREED** that the conclusion in United States Magistrate Judge's Report and Recommendation entered as Docket Entry No. 6 to dismiss *sua sponte* Plaintiff's Original Complaint and Amendment to Original Complaint for failure to state a claim cognizable under 42 U.S.C. § 1983 is hereby adopted by this Court.

Accordingly, Plaintiff's Original Complaint and Amendment to Original Complaint are hereby **DISMISSED**.

The Clerk shall send a copy of this Order to all parties of record.

SO ORDERED this 25th day of April, 2005, at McAllen, Texas.



Randy Crane
United States District Judge